UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAY -5 AM 11:48

UNITED STATES OF AMERICA,	)	Magistrate Docket No.
Plaintiff,	)	'08 MJ 1410
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Jose Luis ESPINOZA-Valdez,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **May 4, 2008** within the Southern District of California, defendant, **Jose Luis ESPINOZA-Valdez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico** , was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th DAY OF MAY, 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Luis ESPINOZA-Valdez

PROBABLE CAUSE STATEMENT

On May 4, 2008 at approximately 12:00 AM, Border Patrol Agent Lebron responded to a call in reference to a subject heading north of the area known as "The Gravel Pit". This area is approximately two miles west of the San Ysidro Port of Entry and approximately three hundred yards north of the United States/ Mexico International Boundary Fence. After arriving on scene, Agent Lebron proceeded to walk eastbound along the brush line. After walking a few hundred yards eastbound, Agent Lebron came across an individual trying to conceal him self in a drainage ditch. Agent Lebron identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and nationality. This individual later identified as **Jose Luis ESPINOZA-Valdez**, freely admitted to being a citizen and national of Mexico here in the United States illegally without any immigration documents. The defendant was placed under arrest at approximately 12:40 AM and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 11, 2006** through **Laredo, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.